

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference SCAPA.AFF.11	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/FR00/02424	International filing date (day/month/year) 01 September 2000 (01.09.00)	Priority date (day/month/year) 02 September 1999 (02.09.99)
International Patent Classification (IPC) or national classification and IPC C09J 7/04, D04H 1/48, 1/60		
Applicant SCAPA FRANCE		

<p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>7</u> sheets, including this cover sheet.</p> <p><input type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of _____ sheets.</p>	
<p>3. This report contains indications relating to the following items:</p> <p>I <input checked="" type="checkbox"/> Basis of the report</p> <p>II <input type="checkbox"/> Priority</p> <p>III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p>IV <input type="checkbox"/> Lack of unity of invention</p> <p>V <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p>VI <input type="checkbox"/> Certain documents cited</p> <p>VII <input type="checkbox"/> Certain defects in the international application</p> <p>VIII <input checked="" type="checkbox"/> Certain observations on the international application</p>	

Date of submission of the demand 30 March 2001 (30.03.01)	Date of completion of this report 29 November 2001 (29.11.2001)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

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I. Basis of the report

1. With regard to the **elements** of the international application:*

- ☐ the international application as originally filed
- ☒ the description:
pages _____ 1-8 _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____
- ☒ the claims:
pages _____ 1-14 _____, as originally filed
pages _____, as amended (together with any statement under Article 19
pages _____, filed with the demand
pages _____, filed with the letter of _____
- ☐ the drawings:
pages _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____
- ☐ the sequence listing part of the description:
pages _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.
These elements were available or furnished to this Authority in the following language _____ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/fig _____

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

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V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**I. Statement**

Novelty (N)	Claims		YES
	Claims	1-14	NO
Inventive step (IS)	Claims		YES
	Claims	1-14	NO
Industrial applicability (IA)	Claims	1-14	YES
	Claims		NO

2. Citations and explanations

Reference is made to the following documents:

D1: US-A-5 631 073 (CRAN LAUREN K ET AL) 20 May 1997
(1997-05-20)

D2: DE 298 19 014 U (CERTOPLAST VORWERK & SOHN GMBH)
18 February 1999 (1999-02-18)

D3: DE 195 23 494 A (BEIERSDORF AG) 2 January 1997
(1997-01-02)

D4: EP-A-0 668 336 (COROPLAST FRITZ MUELLER KG) 23
August 1995 (1995-08-23) cited in the
application

PCT Article 33(2):

Claim 1:

Claim 1 describes an adhesive tape comprising:

(a) a fibrous non-woven support in the form of a
felt or needle punched product

(b) and an adhesive film coating a surface of the
support characterised in that: it is coiled in direct
contact between the adhesive and an adjacent support turn,

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that said support is between 0.3 and 1 mm deep and has a fibrous surface mass between 70 and 120 g/m² and that the fibres are embedded in the adhesive over part of the support at a depth comprised between 10 µm and 0.5 mm.

Therefore, characterising the adhesive tape by the type of winding described in **Claim 1**, which is entirely familiar to a person skilled in the art, cannot constitute a distinguishing feature over the prior art, even though this feature is not explicitly mentioned in the documents of the prior art. Moreover, the impregnation of the fibres with adhesive is determined too broadly (lines 9-11 of said claim) to constitute a distinguishing feature over the prior art in which, moreover, this parameter is not mentioned.

Document D1 describes the same combination of technical features as that described in **Claim 1** (column 4; lines 5-13, column 6; lines 30-34, lines 37-40, lines 56-62 and column 9; lines 22-27).

The same comment applies to **documents D2** (page 1; lines 3-7, page 2; lines 20-22, page 5, lines 5-9 and Claim 5), **D3** (column 1; lines 56-61 and column 2; lines 17-19) and **D4** (page 2; lines 1-3, lines 15-17, lines 19-22 and page 3; lines 4-5) (application of a hot-melt adhesive).

The subject matter of **Claim 1** does not comply with the requirements of PCT Article 33(2).

Claim 12:

Claim 12 describes a method for producing an adhesive tape in accordance with one of **Claims 1-11**, in which the

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adhesive is applied to the support in the liquid state of aggregation and is then turned to the solid state of aggregation by a suitable process.

Document D1 explicitly describes the same combination of technical features as that described in **Claim 12** (column 4; lines 5-13, column 6; lines 30-34, lines 37-40, lines 56-62 and column 9; lines 22-27).

This comment also applies to **D4**, which by implication describes the same combination of technical features as that described in **Claim 12** (page 2; lines 1-3, lines 15-17, lines 19-22 and lines 47-49 and page 3; lines 4-5).

The subject matter of **Claim 12** does not comply with the requirements of PCT Article 33(2).

Claim 14:

Claim 14 describes the use of an adhesive tape as per one of **Claims 1-11** for strapping bundles of cables.

Document D2 describes the same combination of technical features as that described in **Claim 14** (page 1; lines 3-7, page 2; lines 12-28 and lines 20-22, page 5, lines 5-9 and Claim 5).

The same comment applies to **documents D3** (column 1; lines 3-6, and lines 56-61 and column 2; lines 17-19) and **D4** (page 2; lines 1-3, 15-17, 19-22 and 25-29 and page 3; lines 4-5).

The subject matter of **Claim 14** does not comply with the requirements of PCT Article 33(2).

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The same comment applies to the subject matter of dependent Claims 2-11 and 13 which constitute conventional embodiments known from the prior art.

PCT Article 33(3):

The subject matter of Claims 1-14 does not comply with the requirements of PCT Article 33(3).

PCT Article 33(4):

The subject matter of all the claims is industrially applicable.

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VIII. Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

The claims are not supported by the examples, in the sense that neither the depth of the fibrous support nor the depth at which the fibres are anchored in the adhesive are mentioned in the examples (lines 9-11 of **Claim 1**).

In **Claim 4**, the adhesive tape appears to be characterised by the technical goal to be achieved, i.e. a transverse tear effort under 15 N.

In **Claim 5**, the expression "at least essentially" makes the subject matter of said claim obscure.

In **Claim 7**, characterisation of the fibres by the fact that they are "more easily fusible than polyester and/or viscose fibres" does not make it possible to determine precisely what fibres are concerned, making the subject matter of said claim obscure.